

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

STEVEN MICHAEL HICKS,

Plaintiff,

v.

Civil Action No. 2:13-30426

CAROLYN W. COLVIN,
Acting Commissioner
of Social Security,

Defendant.

MEMORANDUM OPINION & ORDER

Pending are the parties' respective requests for judgment on the pleadings. Plaintiff, in the alternative, seeks remand for further proceedings before the Commissioner.

In his Proposed Findings and Recommendation ("PF&R") filed February 27, 2015, United States Magistrate Judge Dwane L. Tinsley recommends that the court reverse the Commissioner's final decision and remand the claim for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). The magistrate judge offers a detailed analysis respecting why, inter alia, the administrative law judge's ("ALJ") consideration of a disability determination made by the Department of Veterans Affairs was not consistent with governing law. Neither


plaintiff nor the Commissioner have objected to the PF&R.

Accordingly, it is ORDERED as follows:

1. That the Proposed Findings and Recommendation be, and it hereby is, adopted by the court and incorporated herein;
2. That plaintiff's request for judgment on the pleadings be, and it hereby is, granted insofar as he requests remand to the Commissioner for further proceedings and otherwise denied;
3. That the Commissioner's request for judgment on the pleadings be, and it hereby is, denied; and
4. That the decision of the Commissioner be, and it hereby is, reversed and this claim is remanded to the Commissioner for further proceedings pursuant to the fourth sentence of 42 U.S.C.A. § 405(g), which proceedings shall include consideration of, and discussion by, the ALJ of the matters set forth in the PF&R at pages 10 to 11.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and any unrepresented parties.

DATED: March 19, 2015


John T. Copenhaver, Jr.
United States District Judge